


Indeed, apart from Mr. Daly's visit in February 1989 and the visit in October 1991 described in paragraph 4 above, no representative of Raystay has contacted Ready Mixed at any time about the matter. I have checked with the other two owners of Ready Mixed and they have confirmed that no such negotiations or contacts have occurred.

7. Likewise, I am aware of no visit to Ready Mixed by any representative of Raystay other than visits described in paragraphs 2 and 4 above. The final visit, which occurred on October 16, 1991, lasted only about fifteen minutes and resulted in one of the visitors telling me that our facilities would not suit Raystay's needs because of the dust. To the best of my knowledge, the visitors did not inspect Ready Mixed's facilities and there were no discussions with me about "site preparation work" or "modifications [that would] need to be done at the site." In fact, as soon as I told the visitors that I could not provide them with a dust free environment, the conversation ended and they left. Therefore, if the statement contained in Appendix F is meant to suggest that representatives of Raystay have inspected our roof or made any other preparations to initiate construction at our facility, that claim is false. To the contrary, as stated in paragraph 4 above, I was led to believe from my conversation with the October 1991 visitors that they had no further interest in our facilities, and I have not heard from any representative of Raystay since that time.

8. I understand that this Affidavit may be submitted to the FCC, and I have provided it freely and without the payment or offer of any consideration.

I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, and are submitted in good faith.


Edward Rick, III

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LANCASTER)

ss:

Sworn to and subscribed before me this 19th day of April, 1993.


Notary Public

My commission expires

Notarial Seal
Melanie K. Allen, Notary Public
West Donegal Twp., Lancaster County
My Commission Expires March 18, 1996

APPENDIX F

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

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AFFIDAVIT OF BARRY L. MARCH

I, Barry L. March, hereby declare as follows:

1. Since June 3, 1985, I have been employed as General Manager of the Quality Inn Hotel, 625 Quentin Road, Lebanon, Pennsylvania (hereinafter the "Hotel"). Since 1988, I also have been a member of the Board of Directors of Greater Lebanon Hotel Enterprises, Inc., which is the corporate franchisee of the Hotel. As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of the Raystay Company ("Raystay") for authority to construct low power television stations on Channels 38 and 55 in Lebanon, Pennsylvania.

2. To the best of my recollection, sometime in early 1989 I was contacted either by telephone or in person, I cannot recall which, by an individual who expressed an interest in placing a small broadcast antenna on the roof of the Hotel. The caller (or visitor), whose name I cannot recall, explained that a survey had been conducted of the Lebanon Valley area and that the roof of the Hotel appeared to be one of the highest points in the area. He noted that a small antenna was already located on the roof and he asked whether the Hotel might be interested in renting out space for a second antenna. The caller led me to believe that he was talking about a thin, whip-like antenna or

Federal Communications Commission
Docket No. 93-79 Exhibit No. 541
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some sort of small dish that would not be readily noticeable to our patrons.

3. Based on this impression, I told the caller that the Hotel might be interested in negotiating a lease, but that he should contact me again when he was ready to discuss terms. To the best of my knowledge, we did not discuss the prospective terms under which such a lease might be negotiated, nor did we discuss the specifics of his proposal for the antenna. I recall that, toward the end of the conversation, I gave him permission to inspect the roof to determine whether it would suit his needs. To the best of my recollection, the entire conversation lasted no more than a few minutes. During that time, I expressed nothing more than general interest in his vague proposal.

4. I believe that shortly after our conversation, either the caller or someone on his behalf visited the Hotel to examine the roof.

5. I recently have been shown the engineering sketch attached to this Affidavit as Appendix B. I understand that Raystay submitted this sketch to the FCC in applications it filed in March 1989 for two low power television station licenses. In reviewing the sketch, I can state with certainty that I did not tell the caller with whom I spoke in early 1989 that the Hotel would consider leasing roof space for a structure

like the one depicted in the sketch. As stated above, the caller led me to believe that he had in mind a modest, physically unobtrusive antenna, not an 86-foot structure sufficient to support two broadcast antennas. If the caller had told me of his true plans, I would have had immediate concerns about the obvious aesthetic problems that such a structure would cause, as well as concerns about the Hotel's capacity to support such a structure, potential hazards to our guests, the cost of liability insurance, and the Hotel's ability to obtain the necessary zoning permits. In light of those concerns, I would have told the caller that the proposal would have to be considered by the Hotel's legal counsel and its Board of Directors. I was certainly not aware that the caller was planning to ask the FCC for permission to construct the 86-foot tower depicted in Appendix B on the roof of our Hotel. Had I known that fact, I would have declined his proposal without consideration.

6. I also have reviewed the statement attached hereto as Appendix C, which I understand was submitted to the FCC by Raystay in December 1991 and again in July 1992 to report the status of Raystay's construction efforts. To the best of my knowledge and belief, two assertions made in that statement are untrue. The first such assertion is that Raystay "has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications..." As General

Manager of the Hotel, I have principal supervisory responsibility over all aspects of the Hotel's operations, including the negotiation and approval of all lease agreements involving the Hotel's facilities. Also, as a member of the Hotel owner's Board of Directors, I am aware of all contract obligations, including all lease negotiations and agreements, that may require board approval. To the best of my knowledge, the Hotel has never had any lease negotiations with Raystay or any representatives of that company. Indeed, to the best of my knowledge, apart from the single telephone call (or visit) in early 1989 described in paragraphs 2 and 3 above, no representative of Raystay has contacted the Hotel at any time about the matter.

7. Likewise, I am aware of no visit to the Hotel by any representative of Raystay other than the single visit described in paragraph 4 above. To the best of my recollection, that visit occurred sometime in early 1989, shortly after I received the telephone call (or visit) described above. The Hotel's current maintenance chief, who has been employed in the Hotel's maintenance department since 1984, has told me that he too does not recall any visit by a representative Raystay other than the possible visit in 1989. Thus, if the statement contained in Appendix C is meant to suggest that representatives of Raystay have inspected the Hotel roof at any time since their initial visit in early 1989, that claim is not true.

8. I understand that this Affidavit may be submitted to the FCC, and I have provided it freely and without the payment or offer of any consideration.

I hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, and are submitted in good faith.

Barry L. March
Barry L. March

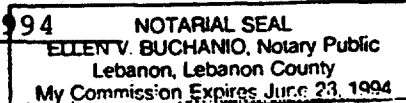
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LEBANON)

ss:

Sworn to and subscribed before me this 7th day of May, 1993.

Ellen V. Buchanio
Notary Public

My commission expires June 23, 1994



APPENDIX C

(b)

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.

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